

CHAPTER 3000 ASSESSMENT

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3100 REQUIREMENT FOR ALL ASSESSMENTS

3110 Limited English Proficiency (LEP)

When assessing cases, a LEP assessment shall be initiated and appropriate services provided from the entry level of service throughout the continuum of care.

RCW 49.60.030; [RCW 74.04.025](#); 42 USC 2000d, Sec. 601:
Civil Rights Act of 1964, Title VI

3200 CHILD PROTECTIVE SERVICES (CPS)

3210 Investigation

- A. Investigate (assess) referrals which allege child abuse and neglect (CA/N) or the risk of CA/N to determine the existence or absence of CA/N.
[RCW 26.44.030](#); [RCW 26.44.050](#)
- B. The department shall arrange for legal intervention when needed.
[RCW 13.34.040](#)
- C. CA social workers are responsible for informing parents of their legal rights and responsibilities as set forth in RCW 13.34.060.
[RCW 13.34.060](#); [RCW 13.34.090](#); [RCW 26.44.105](#)
- D. CPS may interview children outside the presence of the parents but must notify parent(s) of the interview at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation.
[RCW 26.44.030](#)
- E. CPS may photograph any child on whom a CPS referral has been made for the purposes of providing documentary evidence of the physical condition of the child.
[RCW 26.44.050](#)
- F. Whenever the department completes an investigation of a child abuse or neglect report, the department shall notify the alleged perpetrator of the report and the department's investigative findings and the alleged perpetrator's rights of review and appeal.
[RCW 26.44.100](#)

3220 CPS Case Assessment

- A. CPS shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be considered a risk factor.
[RCW 26.44.030](#)

- B. CPS shall assess risk of abuse and neglect to children and provide or refer to early prevention, intervention, and treatment services to advise parents about services to strengthen families and prevent serious or continuing CA/N.

[RCW 74.14A.020](#)

- C. DCFS shall make a full family-focused case assessment, which includes an examination of the family's entire situation to identify problems experienced by children and their families early and provide services which are adequate in availability, appropriate to the situation, and effective.

[RCW 74.14A.020](#)

- D. The department shall contract for Alternative Response System (ARS) services for low risk families in the least intrusive manner likely to achieve improved family cohesiveness, prevention of re-referrals of the family for alleged abuse or neglect, and improvement in the health and safety of children.

[RCW 74.14D.020](#)

3221 Drug and Alcohol Assessment

- A. When a CPS referral requires a face to face contact with the family, there shall be a determination of whether it is probable that the use of alcohol or controlled substances is a contributing factor to the alleged abuse or neglect.
- B. The department shall provide appropriate training for persons who conduct the investigations under paragraph A, above. The training shall include methods of identifying indicators of abuse of alcohol or controlled substances.
- C. If a determination is made under paragraph A that there is probable cause to believe abuse of alcohol or controlled substances has contributed to the child abuse or neglect, the department shall, within available funds, cause a comprehensive chemical dependency evaluation to be made of the person or persons so identified. The evaluation shall be conducted by a physician or persons certified under rules adopted by the department to make such evaluation.

[RCW 26.44.170](#)

3222 Notification to Alleged Perpetrator

- A. The department shall notify the alleged perpetrator of the allegations of child abuse and neglect at the earliest possible point in the investigation that will not jeopardize the safety and protection of the child or the investigation process.

[RCW 26.44.100](#)

- B. Whenever the department completes an investigation of a child abuse or neglect report under chapter 26.44 RCW, the department shall notify the

alleged perpetrator of the report and the department's investigative findings. The notice shall also advise the alleged perpetrator that:

1. A written response to the report may be provided to the department and that such response will be filed in the record following receipt by the department;
2. Information in the department's record may be considered in subsequent investigations or proceedings related to child protection or child custody;
3. Founded reports of child abuse and neglect may be considered in determining that a person is disqualified from being licensed to provide child care, employed by a licensed child care agency, or authorized by the department to care for children; and

[RCW 26.44.100](#)

4. An alleged perpetrator named in a founded report of child abuse or neglect has the right to seek review of the finding as provided in chapter 26.44 RCW.

[RCW 26.44.100](#)

- C. The notification required by this section shall be made by certified mail, return receipt requested, to the person's last known address.

[RCW 26.44.100](#)

- D. The duty of notification created by this section is subject to the ability of the department to ascertain the location of the person to be notified. The department shall exercise reasonable, good-faith efforts to ascertain the location of persons entitled to notification under this section.

[RCW 26.44.100](#)

E. **Request for Review and Administrative Hearing**

1. A person who is named as an alleged perpetrator after October 1, 1998, in a founded report of child abuse or neglect has the right to seek review and amendment of the finding as provided in this paragraph.
2. Within 20 calendar days after receiving written notice from the department under RCW 26.44.100 that a person is named as an alleged perpetrator in a founded report of child abuse or neglect, he or she may request that the department review the finding. The request must be in writing. If a request for review is not made as provided in this paragraph, the alleged perpetrator may not further challenge the finding and shall have no right to agency review or to an adjudicative finding or judicial review of the finding.

[RCW 26.44.125](#)

3. Upon receipt of a written request for review, the department shall review and, if appropriate, may amend the finding. Management level

staff within the Children's Administration designated by the Secretary shall be responsible for the review. The review must be conducted in accordance with procedures established by the department by rule. Upon completion of the review, the department shall notify the alleged perpetrator in writing of the department's determination. The notification must be sent by certified mail, return receipt requested, to the person's last known address.

4. If, following agency review, the report remains founded, the person named as the alleged perpetrator in the report may request an adjudicative hearing to contest the finding. The adjudicative proceeding is governed by Chapter 34.05 RCW and this section. The request for an adjudicative proceeding must be filed within 30 calendar days after receiving notice of the agency review determination. If a request for an adjudicative proceeding is not made as provided here, the alleged perpetrator may not further challenge the finding and shall have no right to agency review or to an adjudicative hearing or judicial review of the finding.
5. Reviews and hearings conducted under this section are confidential and shall not be open to the public. Information about reports, reviews, and hearings may be disclosed only in accordance with federal and state laws pertaining to child welfare records and child protective services reports.

[RCW 26.44.125](#)

3230 Assessment for Out-of-Home Placement

- A. DCFS shall serve children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child.
[RCW 74.14A.020](#)
- B. Through an expression of intent, the Legislature, recognizing that a child's removal from his/her home is often traumatic to the child, efforts should be made to arrange for the alleged offender, rather than the child, to leave the home if the child can be protected from further abuse while remaining in the home. If necessary, a restraining order to prevent further contact between the alleged offender and the child shall be pursued.
[RCW 26.44.063](#)
- C. Out-of-home placement shall be utilized as a last resort when either a child cannot be protected from risk of imminent harm in his/her home or when reasonable efforts to remedy CA/N have failed.
[RCW 13.34.020](#)
- D. Within amounts appropriated for the specific purpose, the department will provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.
[RCW 74.13.031](#)

- E. Placements will be made only after all reasonable efforts have been made and documented to stabilize the family and assure the health, safety, or welfare of the child residing in the home. After placing a child temporarily, reasonable efforts will be made to reunify the family.
[RCW 13.34.060](#)
- F. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue.
[RCW 26.44.030](#)

3231 Evaluating Children in Foster Care

- A. Designated professionals are to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges.
- B. The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:
 - 1. Placement within the foster care system for two years or more;
 - 2. Multiple foster care placements;
 - 3. Repeated unsuccessful efforts to be placed with a permanent adoptive family;
 - 4. Chronic behavioral or educational problems;
 - 5. Repetitive criminal acts or offenses;
 - 6. Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and
 - 7. Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance.
- C. Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must:
 - 1. Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and
 - 2. Incorporate an array of family support options, to individual needs and choices of the child and family.

- D. Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section.
- E. The department is to accomplish the tasks of this section within existing resources.

[RCW 74.14A.050](#) and 2000 c 232 s 1

3231 Coordination of Services

- A. The department of social and health services shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department must:
 - 1. Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs;
 - 2. Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and
 - 3. Access training for department staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

RCW 13.34

3240 Eligibility for Out-of-Home Placement

- A. One of the following must exist to constitute legal authority for out-of-home placement:
 - 1. Police hold.
 - 2. Court order, including a Child in Need of Services (CHINS) petition.
 - 3. Hospital/Medical Administrator/Physician Hold.
 - 4. Voluntary placement of children in foster care in cooperation with the family's decision to place the child outside the home.
[RCW 13.34.050](#); [RCW 13.70.100](#); [RCW 26.44.050](#); [RCW 26.44.056](#)
- B. CA staff must place only children for whom the staff have legal authority for the placement and then only in homes or facilities licensed or certified under chapter 26.44 RCW or relatives not required to be licensed under chapter 26.44 RCW. Staff may place children in unlicensed adoptive homes following completion of a home study, in accordance with RCW 74.15.020.
[RCW 74.15.090](#); [RCW 74.15.020](#)

3241 Out-of-Home Placement of Developmentally Disabled Children

- A. When the sole reason for the out-of-home placement is the child's developmental disability, services offered by the department to these children and their families shall be through a voluntary placement agreement. In these cases, the parents shall retain legal custody of the child, and the department shall be responsible for the child's placement and care.
- B. The voluntary placement agreement, shall at a minimum, specify the legal status of the child and the rights and obligations of the parent or legal guardian, the child, and the department while the child is in placement. The agreement must be signed by the child's parent or legal guardian and the department to be in effect, except that an agreement regarding an Indian child shall not be valid unless executed in writing before the court and filed with the court as provided in RCW 13.34.245.
- C. Any party to a voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130.
- D. Whenever the department places a child with a developmental disability in out-of-home care pursuant to RCW 74.13.350, the department shall develop a permanency plan of care for the child no later than 60 days from the date that the department assumes responsibility for the child's placement and care. Within the first 180 days of the placement, the department shall obtain a judicial determination that continued placement is in the best interests of the child. If the child's out-of-home placement ends before 180 days have elapsed, no judicial determination is required.

The permanency planning hearings shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

[RCW 74.13.350](#); RCW 13.34.270

- E. The department shall provide for periodic administrative reviews as required by federal law. A review may be called at any time by either the department, the parent, or the legal guardian.
- F. Nothing in this section shall prevent the department from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030.

[RCW 74.13.350](#)

- G. It is the intent of the Legislature that the department undertake voluntary out-of-home placement in cases where the child's developmental disability is such that the parent, guardian, or legal custodian is unable to provide the

necessary care for the child, and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home. If the department does not accept a voluntary placement agreement signed by the parent, a petition may be filed and action pursued under chapter 13.34 RCW. The department shall inform the parent, guardian, or legal custodian in writing of their right to civil action under chapter 13.34 RCW.

[RCW 74.13.350](#)

3300 FAMILY RECONCILIATION SERVICES (FRS)

3310 FRS Case Assessment

Intake and assessment services, which may involve a local multi-disciplinary team in its response in determining the services to be provided and in providing those services, for FRS shall include:

- A. Exploration of the seriousness of the situation that triggered the crisis.
[RCW 13.32A.040](#); [RCW 74.14A.025](#)
- B. Determination of family strengths.
[RCW 13.32A.040](#)
- C. Assessment of the need for CPS services, including reporting of all cases of suspected child abuse.
[RCW 13.32A.090](#)